

FILED

OCT 29 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FRESENIUS MEDICAL CARE HOLDINGS,
INC., a New York corporation; and FRESENIUS
USA, INC., a Massachusetts corporation,

Case No. C 03-01431 SBA (EDL)

Plaintiffs and Counterdefendants,

v.

BAXTER INTERNATIONAL, INC., a
Delaware corporation; and BAXTER
HEALTHCARE CORPORATION, a
Delaware corporation,

Defendants and Counterclaimants.

SPECIAL VERDICT FORM

We, the jury in the above-entitled action, unanimously find the following special verdict on the questions submitted to us:

DAMAGES

1. What amount of damages is Baxter entitled to for Fresenius' sale of the 2008K machine:

\$14,175,000

2. Do you find that Baxter is entitled to damages on Fresenius' sale of disposable products: Yes No

(If the answer is "Yes," indicate below the amount of those damages.)

\$91,000

Dated: 10-29-07

Norma Brueykey
Jury Foreperson

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Jury Foreperson